

***DRAFT***

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS  
HELD JANUARY 13, 2005 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

**P R E S E N T**      Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman;  
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;  
Mr. Paul S. McCulla, Acting County Administrator; Mr. Kevin Burke,  
Acting County Attorney

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**CLOSED SESSION TO DISCUSS A PENDING BANKRUPTCY LITIGATION CASE IN  
WHICH THE COUNTY IS A CREDITOR AS WELL AS POTENTIAL ACQUISITION  
OF REAL ESTATE**

Mr. Downey moved to go into a closed meeting pursuant to Virginia Code Sections 2.2-3711(A)(3) and 2.2-3711(A)(7) for consultation with legal counsel pertaining to a pending bankruptcy litigation case in which the County is a creditor, as well as for discussion or consideration of potential acquisition or use of real property for public purposes. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

***Ayes:***                      ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G.  
Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays:***                      ***None***  
***Absent During Vote:***    ***None***  
***Abstention:***            ***None***

Upon reconvening from the closed meeting, Mr. Graham moved to adopt the following certification. The motion was seconded, and the vote for the motion was unanimous as follows:

***Ayes:***                      ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G.  
Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays:***                      ***None***  
***Absent During Vote:***    ***None***  
***Abstention:***            ***None***

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 13th day of January 2005, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business

matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

**A WORK SESSION TO RECEIVE INFORMATION FROM VRE/PRTC REGARDING OPTIONS AVAILABLE FOR EXPANDING PUBLIC TRANSPORTATION SERVICES TO FAUQUIER COUNTY**

Anthony I. Hooper, Deputy County Administrator, introduced Alfred Harf, Executive Director of the Potomac and Rappahannock Transportation Commission (PRTC), who presented options available for expanding public transportation services to Fauquier County.

**A WORK SESSION TO DISCUSS BILLING FOR EMERGENCY MEDICAL SERVICE (EMS) SERVICES**

Philip T. Myer, Chief of the Department of Fire and Emergency Services, led a presentation regarding a proposal to establish a billing program for Emergency Medical Services (EMS) services in Fauquier County.

**A PRESENTATION BY THE PERMITTING REVIEW COMMITTEE REGARDING IMPROVING THE PROCESS FOR APPROVING COMMERCIAL AND INDUSTRIAL DEVELOPMENT PERMIT APPLICATIONS**

Mr. McCulla introduced Ken Miller, Chairman of the Permitting Review Committee, who presented a final report of the Committee and provided recommendations for improving the process for approving commercial and industrial development permit applications.

**A WORK SESSION TO DISCUSS THE FAUQUIER COUNTY “BUY LOCAL” MARKETING CAMPAIGN**

Talmage Reeves, Director of the Economic Development Office, introduced Mary Prince, Tourism Coordinator, who presented an update on the Fauquier County “Buy Local” marketing campaign.

**FY 2004 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)**

Bryan Tippie, Director of the Finance and Budget Offices, introduced David Hughes of Robinson, Farmer, Cox Associates, who presented the FY 2004 Comprehensive Annual Financial Report and auditor recommendations.

**A PRESENTATION ON THE TOWN OF WARRENTON AQUATIC AND RECREATION CENTER**

Anthony I. Hooper, Deputy County Administrator, introduced Ken McLawhon, Town Manager of the Town of Warrenton, who presented an update on plans for the Town of Warrenton Aquatic and Recreation Center and a request that the County join the Town in promoting the project.

**A JOINT WORK SESSION WITH THE FAUQUIER COUNTY SCHOOL BOARD REGARDING THE HIGH SCHOOL BOND REFERENDUM**

Dr. David Martin, Superintendent of Schools, and Jay Van Gelder, member of the Fauquier County School Board, presented a preview of the materials that will be used to inform the public of the issues pertaining to the new high school bond referendum.

## **A JOINT WORK SESSION WITH THE FAUQUIER COUNTY SCHOOL BOARD REGARDING A PROPOSAL FOR A REGIONAL ACADEMIC YEAR GOVERNOR'S SCHOOL**

Dr. David Martin, Superintendent of Schools, provided a briefing on the possibility of establishing a regional academic year Governor's school.

The meeting was reconvened in Regular Session at 6:30 p.m.

### **ADOPTION OF THE AGENDA**

Mr. Downey moved to adopt the agenda, with the following changes. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

- Accept as Regular Agenda item #7, a substitute Ordinance to Approve the Third Renewal of and Fourteenth Addition to the Marshall/Warrenton Agricultural and Forestal District.
- Add as Regular Agenda item #12, a Resolution to Authorize the Purchase of Land Owned by Joseph and Sherie Gregory.

### **CITIZENS' TIME**

- Anne-Marie Walsh, Center District, provided an update on Partnership for Warrenton activities and invited Board members to attend an upcoming conference relating to Virginia Main Street Programs.

### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Atherton presented to members of the Fauquier County School Board A Proclamation to Acknowledge and Honor the Contributions of Bronwyn H. Lambelet to the Citizens of Fauquier County.
- Mr. Robison presented to Lynda McPherson A Proclamation to Honor Lynda McPherson for Her Outstanding Service to the Citizens of Fauquier County.
- Mr. Downey presented to Garrett Moore A Proclamation to Recognize Garrett Moore for His Outstanding Service to the Citizens of Fauquier County.
- Mr. Hooper presented to the Board of Supervisors the 2004 Environmental Protection Agency Landfill Methane Outreach Program Community Partner Award.

### **CONSENT AGENDA**

Mr. Atherton moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**Approval of the Minutes for the December 9, 2004 Regular Meeting and January 6, 2005 Adjourned Meeting of the Fauquier County Board of Supervisors**

**A Resolution to Endorse the Virginia Association of Counties (VACo) Region 7 Legislative Priorities for the 2005 General Assembly**

RESOLUTION

A RESOLUTION TO ENDORSE THE VIRGINIA ASSOCIATION OF COUNTIES (VACo)  
REGION 7 LEGISLATIVE PROGRAM FOR THE 2005 GENERAL ASSEMBLY

WHEREAS, Fauquier County is a member of the Virginia Association of Counties (VACo) and is an active participant in VACo Region 7; and

WHEREAS, Fauquier County assists with the development of and supports the annual VACo Region 7 Legislative Program, which is used to convey common legislative positions of the member jurisdictions to the members of the General Assembly and to provide legislative guidance to VACo with respect to the preparation of the Statewide Legislative Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of January 2005, That the Board of Supervisors does hereby endorse the VACo Region 7 Legislative Program for the 2005 General Assembly.

**A Resolution to Approve an Amendment to the Procurement Policy to Increase Authorized Spending Thresholds**

RESOLUTION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE PROCUREMENT POLICY TO  
CONFORM TO SPENDING THRESHOLDS

WHEREAS, the Procurement Policy establishes the authorized spending thresholds for all County and School Departments based on guidelines established in the Virginia Public Procurement Act; and

WHEREAS, based on a review of spending thresholds in other neighboring jurisdictions and at the State level, the Finance Department recommended increasing Fauquier County current thresholds; and

WHEREAS, the Finance Committee reviewed these revised thresholds and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of January 2005, That the amendment to the Procurement Policy increasing the authorized spending thresholds be, and is hereby, authorized effective immediately.

**A Resolution to Authorize an Agreement with Fauquier County Water and Sanitation Authority (WSA) to Operate School Wastewater Treatment Systems**

RESOLUTION

A RESOLUTION TO AUTHORIZE AN AGREEMENT WITH FAUQUIER COUNTY  
WATER AND SANITATION AUTHORITY (WSA) TO OPERATE SCHOOL  
WASTEWATER TREATMENT SYSTEMS

WHEREAS, the Department of General Services maintains and operates utilities that are not served by a public utility; and

WHEREAS, it has been determined that it will be more effective to contract with the Fauquier County Water and Sanitation Authority (WSA) to operate and maintain wastewater treatment systems in conformance with Department of Environmental Quality (DEQ) guidelines at Mary Walter Elementary School and H. M. Pearson Elementary School; and

WHEREAS, WSA has approved an agreement to operate and maintain the systems; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of January 2005, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the Sewer Systems Operation Agreement.

**A Resolution to Approve Breezy Knoll Subdivision: Preliminary Plat PPLT05-SC-006 and Associated Subdivision Ordinance Waivers, Scott District**

RESOLUTION

A RESOLUTION TO APPROVE BREEZY KNOLL SUBDIVISION: PRELIMINARY PLAT  
PPLT05-SC-006 AND ASSOCIATED SUBDIVISION ORDINANCE WAIVERS

WHEREAS, Louie L. and Shirley D. Walker, owners of the property identified by PIN 6995-98-5502-000, have requested a Preliminary Plat and Subdivision Ordinance Waivers to allow for a subdivision of six (6) single-family residential homes in an Residential-1 (R-1) zoning district; and

WHEREAS, the applicant requests a waiver of Section 5-8 of the Subdivision Ordinance to allow a cul-de-sac of  $\pm 940$ -feet in length; and

WHEREAS, the applicant requests a waiver of Subdivision Ordinance Section 4-15 (Fire Protection) to allow the subdivision to not meet the minimum fire flow standards as outlined by the Office of Emergency Services; and

WHEREAS, on December 8, 2004 the Fauquier County Planning Commission held a public meeting and considered oral and written testimony; and

WHEREAS, the Fauquier County Planning Commission recommended approval of the requested waivers and approved the Preliminary Plat based on approval of the waivers; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of January 2005, That Preliminary Plat, PPLT05-SC-006 Louie L. and Shirley D. Walker, owners, be, and is hereby, approved, subject to the Fauquier County Board of Supervisor's approval of the aforementioned Subdivision Ordinance waivers:

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Breezy Knoll Subdivision" dated July 7, 2004, signed by Timothy W. Vaughan on 11-12-04 and received in the Planning Office on December 1, 2004 except as modified by these conditions. This approval is for a maximum of six (6) residential lots.
2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the construction drawings for approval.
3. The applicant agrees to reserve a fifty (50) foot wide right-of-way strip for a future/possible inter-parcel connection to PIN 6995-88-9395-000. The final design of the inter-parcel connection will be worked out during the Final Construction Plan phase of development.
4. Signage approved by VDOT and the County shall be located at the terminus of any temporary cul-de-sac identifying the planned inter-parcel connection. The applicant is encouraged to seek out easements on adjoining properties for construction of the temporary cul-de-sacs. Also a note shall be placed on the Final Construction Plans, Final Plat, and Deed of Subdivision stating, "Breezy Knoll Drive" is planned as an inter-parcel connection.
5. All necessary offsite easements for storm drainage shall be approved and recorded prior to Final Construction Plan approval.
6. It appears that the limits of clearing and grading extend to PIN 6995-98-1762-000. These easements shall be approved and recorded prior to Final Construction Plan approval.
7. The existing fifty (50) foot ingress/egress easement shall be vacated prior to Final Plat approval, if the easement is going to be moved.
8. Breezy Knoll Drive cannot be used as a street name. Prior to Final Plat approval an appropriate street name not already duplicated within Fauquier County shall be used.
9. All intersections shall meet the County intersection-landing requirement IL-1.
10. Houses shall not be placed in swales. The houses shall be placed above the 10-year water surface elevation of the swale.

11. All applicable wetlands permits shall be submitted with the first submission of the Final Construction Plans. If wetlands do not exist, a statement from DEQ shall be required.
12. Any area where grading is proposed to be steeper than 3:1 shall require some type of matting. Where banks along the road are 3:1 or steeper, grading and maintenance easements shall be required.
13. Road grades shall not exceed 10%.
14. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Where possible, all exterior foundation drainage systems shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the final plat. A note that states "Basements are not recommended in mapping units 17B and 2A. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure."
15. Evidence that there is adequate fire flow, as outlined by the Office of Emergency Services, shall be required with the first submission of the Final Construction Plan. A water model showing existing conditions and assumptions shall be included. However; if the fire flow waiver is granted with this Preliminary Plat application, the applicant shall demonstrate prior to Final Construction Plan approval that the water system could meet fire flow in the future
16. If the existing pond is to remain, an engineer shall certify that the pond is structurally sound and will remain so with any additional flow and meet the minimum requirements of the SWM Ordinance. If the pond is to be rebuilt all ponds and outfall structures shall be kept 25 feet from the property lines. Trees, shrubs, and any other woody plants are not to be planted on the embankment or adjacent areas extending at least 25 feet beyond the embankment toe and abutment contacts. This area is to be within a maintenance easement. Tree save areas and landscaping shall not be in these areas.
17. Verify with VDOT that the pond embankment meets VDOT's requirements for embankments adjacent to roads.
18. Frontage improvements, if required, shall be determined by VDOT.
19. Structures designated as "Rain Gardens" shall use the design criteria for bioretention facilities as outlined in the Virginia Stormwater Management Handbook
20. A sight distance profile shall be provided demonstrating that the entrance meets the minimum sight distance requirements in accordance with the Minimum Standards of

Entrances to State Highways dated December 3, 2003. The profile shall indicate the posted and/or design speed used to calculate the sight distance.

21. It is not clear if Breezy Knoll Drive is intended to become a public or private street. If it is intended to be public, the plan shall indicate the street is dedicated for public street purposes.
22. The plan appears to be indicating that the existing wet pond is within the area of the road dedication. The stormwater management ponds shall be constructed in accordance with the October 16, 2003 memorandum "Proposed Stormwater Management Facilities Adjacent to VDOT Right-of-way" from the Culpeper District Hydraulic Engineer. A profile shall be provided demonstrating that the pond is in compliance.
23. The right-of-way for Route 29 shall be dimensioned on the plan from the centerline or edge of pavement to the property line. Route 29 is on the Fauquier County Comprehensive Plan as a rural freeway with a right-of-way between 212 feet and 300 feet.
24. The distance to the nearest state road and the nearest crossover shall be shown along Route 29.
25. The proposed road and driveway locations shall be shown.
26. The existing entrances on Route 29 shall be removed and the lots should be accessed from Breezy Knoll Drive.
27. All existing and proposed drainage structures shall be shown.
28. The following shall be included in the typical section: overall right-of-way width, label the shoulder and indicate material type, the road should be ¼ inch: 1 foot slope, pavement design should be an asphalt mix rather than prime and double seal, the depth of ditch should be 18 inches to accommodate a 15 inch pipe, and the ditch should be 3:1 minimum slope.
29. A note shall be incorporated that the pavement design is for planning purposes only, and the final design shall be based on the Flexible Pavement Design Worksheet per the 2000 Pavement Design Guide and actual CBR values. The pavement design shall be reviewed and approved by VDOT prior to construction.
30. Provide a right turn lane with a minimum 150-foot taper and 100-foot deceleration lane. A typical section shall be provided indicating the existing lanes and the proposed lane.
31. Stationing along the centerline of Breezy Knoll Drive and along Route 29 shall be provided.
32. Label all of the radii.
33. There appears to be utility poles along Route 29 that will need to be relocated. The plan shall be labeled to indicate which poles need to be relocated.



34. Interpretive information from the Type I soil report for each mapping unit shown on the above Final Construction Plan shall be placed on the same sheet as the soil map. Also a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.
35. This final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
36. Two copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
37. The final signature sets shall require original CPSS signature.
38. The type of primary and reserve drainfield areas shall be stated for each lot.
39. These statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map.
  - The County recommends that no below grade basements be constructed on soil mapping units 2A and 17B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines should be daylighted for gravity flow on all structures.
  - Prior to final construction plan approval, it shall be agreed that all drainfield areas are to be surrounded by safety fencing and no construction traffic shall cross nor shall land disturbance occur in these areas.
  - Roads built on any of the mapping units will need to be designed to overcome the low bearing capacity caused by the substratum of these soil types which are high in mica.
  - Due to the mica content of the soils in all of the mapping units, these soils are highly erosive. The erosion and sedimentation plans need to consider more filtration practices as compared to sedimentation. Special precaution will need to be addressed in stabilizing the cut-banks along the proposed road.
  - Foundations placed in soil mapping units that show a moderate, high, or very high shrink-swell potential in the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia* will require a geotechnical evaluation in order to determine proper design.

**Keith Meadows Subdivision: Preliminary Plat PPLT05-MA-008, Marshall District**

No action was taken.

**Loveless Lot 10: Preliminary Plat PPLT05-LE-001, Lee District**

No action was taken.

**Oak Meadows Subdivision: Preliminary Plat PPLT04-LE-013, Lee District**

No action was taken.

**James B. and Teresa Rogers Subdivision: Preliminary Plat PPLT05-CR-010, Cedar Run District**

No action was taken.

**Sullivan/Foldenauer Subdivision: Preliminary Plat PPLT05-LE-014, Lee District**

No action was taken.

**A Resolution to Approve Ritchie Subdivision: Preliminary Plat PPLT05-CR-016 and Associated Zoning and Subdivision Ordinance Waivers**

RESOLUTION

A RESOLUTION TO APPROVE RITCHIE SUBDIVISION: PRELIMINARY PLAT  
PPLT05-CR-016 AND ASSOCIATED ZONING AND  
SUBDIVISION ORDINANCE WAIVERS

WHEREAS, Calvin L. Ritchie, owner of the property identified by PIN 7808-52-4186-000, has requested a Preliminary Plat and Zoning and Subdivision Ordinance Waivers to allow a single division of property for industrial use in Industrial-1 (I-1) zoning district; and

WHEREAS, the applicant requests a waiver of Section 5-7 of the Subdivision Ordinance to reduce the required street width from fifty (50) feet to forty (40) feet; and

WHEREAS, the applicant requests a waiver of Zoning Ordinance Section 7-302.1.C (Private Street Limitations) to reduce the private street width requirement from fifty (50) feet to forty (40) feet; and

WHEREAS, the applicant requests a waiver of Zoning Ordinance Section 7-303 (Private Street Construction Standards) to allow the private street in the approved Major Site Plan to serve as the design of the private street; and

WHEREAS, the applicant requests a waiver of Section 10-5 of the Subdivision Ordinance (Construction Plans) to permit the approved Major Site Plan and any future Site Plan to serve as the development guidelines for Lot 1 and future Lot 2; and

WHEREAS, on December 8, 2004, the Fauquier County Planning Commission held a public meeting and considered oral and written testimony; and

WHEREAS, the Fauquier County Planning Commission recommended approval of the requested waivers and approved the Preliminary Plat based on approval of the waivers; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of January 2005, That Preliminary Plat, PPLT05-CR-016 Calvin L. Ritchie, owner, be, and is hereby, approved, subject to the Fauquier County Board of Supervisor's approval of the aforementioned Subdivision and Zoning Ordinance waivers for Lot 1 and future Lot 2 and the following conditions:

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Preliminary Waiver Request Plat on the Property of Calvin L. Ritchie" dated September 15, 2004, signed by Eric K. Niskanen on 9-15-04 and received in the Planning Office on October 25, 2004, except as modified by these conditions. This approval is for a maximum of one (1) industrial lot plus the residue parcel.
2. Prior to Final Plat approval a copy of the approved Major Site Plan shall be submitted to the Fauquier County Planning Office. This shall be required as part of the waiver of Subdivision Ordinance Section 10-5.

**A Resolution to Nominate Route 15 in Fauquier County for Inclusion in the State's Scenic Byway System**

RESOLUTION

A RESOLUTION TO NOMINATE ROUTE 15 IN FAUQUIER COUNTY FOR INCLUSION  
IN THE STATE'S SCENIC BYWAY SYSTEM

WHEREAS, Route 15 in Fauquier County is a portion of the Journey Through Hallowed Ground corridor that begins in Gettysburg, Pennsylvania and ends at Thomas Jefferson's Monticello near Charlottesville, Virginia; and

WHEREAS, this historic corridor is a gateway to some of the most important places in our country's history, including Native American and African American historic sites, the homes of our nation's founders, numerous Civil War battlefields and dozens of historic towns and villages; and

WHEREAS, the portion of Route 15 north of Route 50 to the Potomac River in Loudoun County is designated as a Scenic Byway; and

WHEREAS, Fauquier County has several other roadways included in the Scenic Byway program, including a portion of Route 17; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of January 2005, That Route 15 in Fauquier County be, and is hereby, nominated for inclusion in the State's Scenic Byway System.

**AN ORDINANCE TO APPROVE THE THIRD RENEWAL OF AND FOURTEENTH ADDITION TO THE MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT**

Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

ORDINANCE

AN ORDINANCE TO APPROVE THE THIRD RENEWAL OF AND FOURTEENTH ADDITION TO THE MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4311, Code of Virginia (1950), as amended, states that the local governing body may complete a review of any district together with additions to such district; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of January 2005, That the 3<sup>rd</sup> Renewal of and 14<sup>th</sup> Addition to the Marshall/Warrenton Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this renewal shall expire on June 30, 2012;
- 2) That this 14<sup>th</sup> Addition to the Marshall/Warrenton Agricultural and Forestal District be, and is hereby, added this 13<sup>th</sup> day of January 2005, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, *Code of Virginia* (1950), as amended, until the expiration of the district on June 30, 2012;
- 3) That the Renewal, with additions, shall consist of the following parcel(s):

PIN	NAME	ACREAGE
6975-96-1451	AIRLIE FOUNDATION	27.65
6996-05-9809	ANNE MARIE & HANS F. E. WACHTMEISTER	558.56
6978-86-3282	ARTHUR ARUNDEL	0.75
6978-86-4249	ARTHUR ARUNDEL	0.12
6965-21-6138	ARTHUR HUNTINGTON NASH	14.08
6965-20-4720	ARTHUR H. & KIMBROUGH NASH	3.01

6955-11-2526	ARTHUR I. & HELEN M. POLAND	31.49
6967-95-6823	ARTHUR W. & MARGARET C. ARUNDEL	13.42
6977-17-7162	ARTHUR W. & MARGARET C. ARUNDEL	610.41
6977-33-7600	ARTHUR W. & MARGARET C. ARUNDEL	118.61
6977-46-8001	ARTHUR W. & MARGARET C. ARUNDEL	9.99
6977-72-7980	ARTHUR W. & MAXINE R. SMITH	102.55
6977-85-9187	ARTHUR W. & MAXINE R. SMITH	217.36
6977-92-3826	ARTHUR W. & MAXINE R. SMITH	82.50
6977-35-6868	ARTHUR W. ARUNDEL	6.02
6977-35-7596	ARTHUR W. ARUNDEL	0.39
6977-45-2297	ARTHUR W. ARUNDEL	5.00
6978-20-8830	ARTHUR W. ARUNDEL	258.46
6988-04-7000	ARTHUR W. ARUNDEL	226.26
6988-12-7029	ARTHUR W. ARUNDEL	79.70
6956-16-3342	AUDREY ASHBY	0.75
6956-16-5119	AUDREY ASHBY	1.75
6956-17-4243	AUDREY ASHBY	20.00
6965-91-0547	BRANCH BANKING & TR CO TEE	63.75
6965-92-7905	BRANCH BANKING & TR CO TEE	16.916
6975-02-6474	BRANCH BANKING & TR CO TEE	13.30
6975-01-2670	BRANCH BANKING & TR CO TEE	10.22
<del>6945-76-3205</del>	<del>CABIN BRANCH, LLC</del>	<del>98.04</del>
6976-86-1246	CECIL THOMAS CAMPBELL, TRUSTEE	165.50
6956-48-3351	CHARLES C. & DEBORAH A. CORNWELL	33.27
6987-71-1884	CLARENCE GILL	76.66
6987-82-8352	CLARENCE V. & MARGARET C. GILL	187.28
6976-83-5722	CORDELIA S. MAY	29.95
6986-08-9291	CORDELIA S. MAY	361.32
6986-27-8064	CORDELIA S. MAY	69.25
6987-41-6124	CORDELIA S. MAY	461.34
6956-95-0561	E. CARTER BAUM	100.23
6956-96-2691	E. CARTER BAUM	100.00
6996-33-1965	EDWARD C. A. WACHTMEISTER	513.59
6946-25-1980	ELIZABETH G. COFFIN & OTHERS	122.90
6977-77-1046	ERIC A. & NANCY M. RIZER	55.28
6946-91-2477	ERNEST MARK & NORMA JEAN THORPE	13.00
6975-84-6405	FANG S. HORNG EARMARKED INV TEE	266.23
6946-49-3533	FELIX & PRISCILLA G. HERNANDEZ	46.69
6975-81-9887	FENTON FARM LC	224.19
6976-37-6999	FLORIAN N. & JANET E. HOFER	141.26
6066-77-7324	FOX, RAYMOND G. TRUSTEE	25.00
6966-76-2074	FOX, RAYMOND G. TRUSTEE	25.00
6966-76-5874	FOX, RAYMOND G. TRUSTEE	27.00
6966-86-9146	FOX, RAYMOND G. TRUSTEE	26.48
6966-97-1253	FOX, RAYMOND G. TRUSTEE	25.87
6966-97-7397	FOX, RAYMOND G. TRUSTEE	32.21
6966-99-7575	FOX, RAYMOND G. TRUSTEE	33.93
6976-08-8738	FOX, RAYMOND G. TRUSTEE	25.69
6978-22-0306	GARY P. FLEMING	38.51
6967-04-5460	GLEN A. DODD	73.39
6976-95-2540	GLENN F. & REGINA C. MILLER	25.02
6965-32-9236	GRANVILLE FARM LIMITED PARTNERSHIP	238.25
6965-61-2074	GRANVILLE FARM LIMITED PARTNERSHIP	72.86

6978-05-6833	HARTFORD H. & CAROLE R. BUCKEL	25.01
6975-63-5172	HENRY L. FLETCHER	108.85
6946-96-2387	HENRY W JR. & INA M. AYRES	238.25
6977-30-2404	HOPE WALLACH PORTER, TRUSTEE	46.27
6956-74-6223	HUGH NEVILL	0.80
6956-74-9907	HUGH NEVILL	0.44
6956-63-9814	HUGH TIMOTHY ALLEN NEVILL	58.81
6978-15-2597	J. C. O. BALDOCK-BRYANT	40.00
6954-16-9805	JAMES A JR. & RENEE C. LYONS	19.65
6968-88-6193	JANE SPRAGUE DEBUTTS	355.40
6974-08-9365	JANET MARIE COLWELL	2.03
6974-16-4503	JANET MARIE COLWELL	14.45
6974-18-2086	JANET MARIE COLWELL	5.10
6974-18-5546	JANET MARIE COLWELL	12.87
6974-19-9030	JANET MARIE COLWELL	8.00
6954-09-1207	JIMMIE L. PETERSEN, TEE & OTHERS	33.30
6954-35-6720	JOAN FOX	33.64
6954-45-8979	JOAN FOX	110.50
6954-46-3630	JOAN FOX	20.11
6954-55-7735	JOAN FOX	19.79
6977-02-4841	JOCELYN ANN ALEXANDER	80.00
6977-11-4460	JOCELYN ANN ALEXANDER	221.11
6966-89-8359	JOCELYN ARUNDEL ALEXANDER	63.19
6955-34-3343	JOHN SOLOMITA	55.00
6966-85-6353	JOHN V. & HILLARY R. DAVIDSON	25.81
6976-51-4400	JOHN W. DRAKE	20.00
6976-60-6615	JOHN W. DRAKE	56.13
6976-61-2653	JOHN W. DRAKE	10.00
6976-61-7386	JOHN W. DRAKE	6.82
6975-49-1638	JORDAN E. & NORMA D. RIZER	141.09
6976-80-1707	JORDAN E. & NORMA D. RIZER	43.37
<del>6955-26-9161</del>	<del>JOSE L JR. &amp; DAWN M. PEREZ</del>	<del>55.54</del>
6955-45-2109	JOSE L JR. & DAWN M. PEREZ	55.00
6996-69-5824	JOSEPH D. & DOROTHY W. MIHOKOVICH	29.92
6964-19-6609	KIMBROUGH K. NASH	11.45
6986-01-8386	KIMMAREN CORPORATION	383.83
6985-78-3393	KIMMAREN CORPORATION	2.05
6985-79-0153	KIMMAREN CORPORATION	23.00
6986-61-2319	KIMMAREN CORPORATION	4.00
6977-96-1568	LACUTA BOWEN & CHARLES E. GASSER	20.28
6955-06-4796	LINDA J. CURTIS	50.11
6946-84-4434	LINDA S. RISTOW	58.69
6975-97-3593	LORETTA FARM LC	11.00
6956-30-0302	LOUISA W. LENEHAN	139.94
6956-10-8184	LOUISA WADSWORTH LENEHAN	12.86
6966-12-7518	LOUISE R. & IRVING S. ASHBY, TRUSTEE	110.48
6954-26-5970	LYONS, JAMES A. & RENEE C.	9.65
6964-84-8190	MARJORIE S. DAVIS, DIANE R. DAVIS- ZARR, TRUSTEE	61.25
6955-65-1504	MATTHEW B. & SHARON WEST COFFEY	264.13
6978-95-2610	MEADOW OUTDOORS FOUNDATION INC	169.43
6945-90-2866	MILTON M JR. & DOROTHY S. ASHBY	37.44

6944-97-3394	OSHAUGHNESSY-HURST MEMORIAL FNDTN INC	87.50
6954-59-5693	PATRICIA S. & DAVID H. CRANDALL	46.75
6956-37-5005	PAUL L. & SUZANNE H. ASHBY	7.86
6956-47-1441	PAUL L. & SUZANNE H. ASHBY	20.25
6965-10-1247	PETER BAIRD & ALEXANDRA NASH	12.13
6976-01-4715	PHILLIP & ESTHER C. WALKER	30.00
6954-19-0610	POLAND, ARTHUR I. & HELEN M.	38.64
6978-23-8009	R. CLARK & VICKI S. WADLOW	25.08
6955-07-5833	R. WAYNE CURTIS	50.11
6964-95-0867	RA-MAR LIMITED PARTNERSHIP	70.10
6964-84-1815	RA-MAR LIMITED PARTNERSHIP	11.32
6964-85-8028	RA-MAR LIMITED PARTNERSHIP	0.5141
6964-95-5985	RA-MAR LIMITED PARTNERSHIP	1.1249
6966-98-7425	RAYMOND G. FOX, TRUSTEE	25.56
6956-32-0670	RAYMOND J. JR. & TERRY A. GEIER	51.27
6986-05-1546	REX SCOTLAND COOPER	25.00
6956-71-4784	RICHARD A. & ELINOR H. SOLOMON	51.50
6986-06-5240	RICHARD F. & MARGIT R. DITTMER	25.00
6956-92-4747	RICHARD K. & JOY L. LEBARON	50.00
6976-03-3029	RICHARD K. & MARGARET D. KOEHNKE	33.61
6976-54-4348	ROBERT F. & BRIGITTE M. HEIFNER	50.00
6978-02-7567	ROBERT J. LEONARD	107.48
6955-01-3137	ROBERT K. & BARBARA M. VOLPE	32.52
6985-67-0095	ROBERT S. WALLACH	85.14
6946-33-8729	ROBIN D. ROBERTS	57.09
6956-65-3148	RODGER O. SCHLICKSEIN	37.00
6955-78-6834	SAUL I. SEROTA, TRUSTEE & OTHERS	216.80
6977-46-4852	STANLEY LLC	13.20
6946-92-6163	STEPHEN EDWARD & ALANA JEAN THORPE	12.49
6956-01-2844	STEPHEN EDWARD & ALANA JEAN THORPE	13.00
6978-38-0911	SUDLEY LLC	319.14
6976-77-1620	THE AIRLIE TRUST	57.05
6976-78-8430	THE AIRLIE TRUST	28.88
6976-89-5037	THE AIRLIE TRUST	105.79
6976-93-1211	THE AIRLIE TRUST	32.69
6967-60-9949	THE NATURE CONSERVANCY	250.00
6967-78-2383	THE NATURE CONSERVANCY	84.51
6967-84-7034	THE NATURE CONSERVANCY	298.00
6976-12-4039	THOMAS A. & SUSAN R. CASEY	25.56
6978-32-2508	THOMAS E. & MAHAELA A. WADLOW	2.08
6975-36-1821	THOMAS LODAHL	10.00
6975-37-7440	THOMAS LODAHL	18.12
6975-38-8139	THOMAS LODAHL	14.94
6975-48-3062	THOMAS LODAHL	10.68
6966-92-2314	TIMOTHY D. & SHIRLEY G. BLANKENSHIP	25.00
6977-65-7971	VIRGINIA B. HOWARD	67.67
6975-14-6256	VIRGINIA BOWMAN DRAKE LIVING TR	40.00
6977-97-6096	VIRGINIUS T. & MARCIA BOWEN	18.21
6987-06-4277	VIRGINIUS T. & MARCIA BOWEN	18.21
6987-07-2470	VIRGINIUS T. & MARCIA BOWEN	3.00
6957-10-1794	WILLIAM C. COLEGROVE, TEE	34.94
6956-09-4532	WILLIAM C. COLEGROVE JR.	2.90
6956-09-5872	WILLIAM C. COLEGROVE, TEE	20.3249

6946-92-2970	WILLIAM GRANT & SHERYL LYNN THORPE	13.00
6946-45-4472	WILLIAM J. & PATRICIA A. GREEN	65.83
6946-46-1928	WILLIAM J. & PATRICIA A. GREEN	25.92
6946-46-8674	WILLIAM J. & PATRICIA A. GREEN	18.48

; and, be it

ORDAINED FINALLY, That the following conditions and restrictions shall apply:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
  - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
  - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the District.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the District.
7. On June 30, 2012 the District will expire.



**AN ORDINANCE TO APPROVE THE THIRD RENEWAL OF AND TWELFTH ADDITION TO THE ORLEAN/HUME AGRICULTURAL AND FORESTAL DISTRICT**

Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**ORDINANCE**

**AN ORDINANCE TO APPROVE THE THIRD RENEWAL OF AND TWELFTH ADDITION TO THE ORLEAN/HUME AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY**

WHEREAS, Section 15.2-4311, Code of Virginia (1950), as amended, states that the local governing body may complete a review of any district together with additions to such district; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of January 2005, That the 3<sup>rd</sup> Renewal of and 12<sup>th</sup> Addition to the Orlean/Hume Agricultural and Forestal District be, and is hereby, adopted as follows:

1. That this renewal shall expire on June 30, 2012;
2. That this 12<sup>th</sup> Addition to the Orlean/Hume Agricultural and Forestal District be, and is hereby, added this 13<sup>th</sup> day of January 2005, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, *Code of Virginia* (1950), as amended, until the expiration of the district on June 30, 2012;
3. That the Renewal, with additions, shall consist of the following parcel(s):

PIN	NAME	ACREAGE
6927-06-6875	A. ROBERT & JUDITH J. GILMAN	5.70
6927-16-0278	A. ROBERT & JUDITH J. GILMAN	30.51
6945-69-0459	ALAN L. & JOAN L. DAVIDSON	28.97
6926-82-8265	ALEXANDER V. & PATRICIA A. DINGWALL	51.75
6926-08-7582	ANDREW L. & ELIZABETH E. STONE	28.14

6937-36-4867	ANN M. & WILLIAM D. HAWORTH	2.00
6944-48-1941	ARTHUR B. C. & MITZIE A. KNUDSON	32.39
6926-48-2669	BETH WILLISTON BARR	50.00
6926-17-4099	BONNIE BARR-BRIGGS	34.95
6926-07-5343	BONNIE J. GILLIOM	30.65
6936-23-2398	BRUCE ANTHONY WILLIAMS	25.23
6918-81-6870	C ERIC MODINE TRUSTEE	75.78
6935-91-3192	CARLTON M. CURTIS	34.70
6945-31-7790	CHARLES E. & JAMIE N. LYONS	52.56
6935-50-9482	COLLINE LLC	372.81
6935-52-5838	EDWIN R. & INEZ W. MINETREE	128.00
6926-26-4040	EMLEY E BUIKSTRA	25.41
6936-71-2039	ERNEST ROBINSON HEIRS & THELMA E. GREEN	39.41
6934-04-8571	GEORGE E. & NATALIE E. REYNOLDS	30.66
6927-31-8896	GEORGE E. ROLL TRUSTEE	50.30
6927-41-6376	GEORGE E. ROLL TRUSTEE	51.55
6927-50-1828	GEORGE E. ROLL TRUSTEE	26.67
6936-14-9249	GILBERT L. & JUDY L. SHELTON	57.95
6936-18-5905	GILBERT L. & JUDY L. SHELTON	51.89
6936-25-9734	GILBERT L. & JUDY L. SHELTON	57.20
6936-26-9628	GILBERT L. & JUDY L. SHELTON	50.91
6936-28-6325	GILBERT L. & JUDY L. SHELTON	50.99
6936-39-4798	GILBERT L. & JUDY L. SHELTON	50.49
6936-47-2300	GILBERT L. & JUDY L. SHELTON	81.83
6936-48-5981	GILBERT L. & JUDY L. SHELTON	50.06
6937-20-2748	GILBERT L. & JUDY L. SHELTON	51.20
6927-57-7016	GRETCHEN YAHN	50.00
6924-88-4372	HENCHMANS LEA L C	545.00
6925-62-1064	HENCHMANS LEA L C	353.65
6925-89-9128	HENCHMANS LEA L C	332.17
6935-38-8193	HENCHMANS LEA L C	205.75
6935-46-8036	HENCHMANS LEA L C	54.13
6935-77-6074	HENCHMANS LEA L C	61.47
6935-37-1220	HENCHMANS LEA LC	15.85
6926-39-1010	HOUYHNHNM FARM L P	110.47
6945-53-4087	JAMES & MARILYN SHACKELFORD	39.69
6937-35-8844	JAMES M. MARSHALL, JR., TRUSTEE	347.20
6937-14-1461	JAMES R. BRANSCOME TEE	272.92
6945-02-9112	JANICE GAIL CURTIS	93.95
6935-69-5415	JEROME F. & MARJORIE PROCHASKA	5.25
6935-69-6766	JEROME F. PROCHASKA TRUSTEE	9.38
6936-60-0119	JEROME F. PROCHASKA TRUSTEE	21.37
6944-39-0770	JOHN D. & DEBRA J. JENIEC	60.29
6936-12-2643	JOHN S. JR. & PAMELA M. PIXLEY	57.01
6945-33-7669	JONATHAN C. H. SLATON	54.25
6945-43-5426	JONATHAN C. H. SLATON	45.75
6917-65-8839	JOSEPH MICHAEL & MELANIA A. KEITH	170.50
6917-88-0677	JOSEPH MICHAEL & MELANIA A. KEITH	101.75
6926-18-1869	JOSEPH WILLISTON BARR	28.71
6926-58-3420	JOSEPH WILLISTON BARR TRUSTEE	50.04
6935-83-0268	JOSHUA CHARLES WINDER & NINA MCKEE	25.00
6935-92-6848	JUDITH ANN BOLDUC	101.00

6947-00-3333	JULIAN E. KULSKI	17.14
6947-01-3550	JULIAN E. KULSKI	13.82
6947-01-4026	JULIAN E. KULSKI	11.01
6947-01-7929	JULIAN E. KULSKI	22.04
6947-02-4602	JULIAN E. KULSKI	16.12
6937-86-2941	KAREN DEYOUNG	32.60
6918-92-7049	KENNETH W. & CAROLE L. FISHER	35.18
6926-08-5063	LYNN HAMILTON BARR	28.62
6926-91-5377	MADLINE A. SIMMONS	48.65
6936-74-4765	MARION G. & MARY E. LONG	1.01
6936-75-4220	MARION G. & MARY E. LONG	30.00
6926-26-7535	MARK & NITAYA YOUNG	25.42
6926-27-8344	MARKWOOD E. & CHERYL M. KEENEY	34.84
6934-64-9903	MERLE DAVIS & RUBERT O. UPDIKE, JR.	7.33
6945-17-5864	MURRAY P. & IRME L. SUMMERS	43.90
6936-05-5112	PEGGY P. PIXLEY	113.34
6943-09-9052	POLLY M. ROEHR REVOCABLE LIVING TRUST	25.00
6943-18-4395	POLLY M. ROEHR REVOCABLE LIVING TRUST	30.14
6925-94-1389	RENEE J. SPEYER TRUSTEE	582.04
6935-21-8881	RENEE J. SPEYER TRUSTEE	378.34
6945-21-0434	RICHARD L. & CAROLYN G. BOWEN	32.98
6934-76-8939	ROBIN C. GULICK TRUSTEE	92.98
6934-53-0337	RUBERT O. UPDIKE, JR	215.67
6934-55-9950	RUBERT O. UPDIKE, JR	122.00
6936-02-2638	STEVEN P. PIXLEY	25.00
6937-32-5112	TERRY H. & MARCIA R. MOFFAT	78.60
6924-66-0599	THOMAS H. DAVIS	105.26
6935-84-6335	WAYNE P. & DORIS L. EDMONDS	94.75
6926-97-4259	WILLIAM JERRY ENLOE CO-TRUSTEE	101.00

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception, except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family. No special exception shall be in conflict with the purposes for which the District was created.
  - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.

2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the District.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then any portion less than 25 acres shall automatically be removed from the District.
7. On June 30, 2012, the District shall expire.

**AN ORDINANCE TO APPROVE THE THIRD RENEWAL OF AND ELEVENTH ADDITION TO THE PLAINS AGRICULTURAL AND FORESTAL DISTRICT**

Mr. Downey moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**ORDINANCE**

**AN ORDINANCE TO APPROVE THE THIRD RENEWAL OF AND ELEVENTH ADDITION TO THE PLAINS AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY**

WHEREAS, Section 15.2-4311, Code of Virginia (1950), as amended, states that the local governing body may complete a review of any district together with additions to such district; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of January 2005, That the 3<sup>rd</sup> Renewal of and 12<sup>th</sup> Addition to the Plains Agricultural and Forestal District be, and is hereby, adopted as follows:

1. That this renewal shall expire on June 30, 2012;

2. That this 12<sup>th</sup> Addition to the Plains Agricultural and Forestal District be, and is hereby, added this 13<sup>th</sup> day of January 2005, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, *Code of Virginia* (1950), as amended, until the expiration of the district on June 30, 2012.
3. That the Renewal, with additions, shall consist of the following parcel(s):

PIN	NAME	ACREAGE
6090-51-0294	ANDREA B. CURRIER	53.42
6090-61-0585	ANDREA B. CURRIER	10.50
6090-63-8935	ANDREA B. CURRIER	164.27
6090-82-8442	ANDREA B. CURRIER	14.60
6090-91-1518	ANDREA B. CURRIER	20.66
6999-78-2559	ANDREA B. CURRIER	430.94
6999-86-5556	ANDREA B. CURRIER	149.72
7000-20-1883	ANDREA B. CURRIER	368.85
7000-33-9048	ANDREA B. CURRIER	159.81
7000-55-1219	ANDREA B. CURRIER	152.58
7908-29-5237	ANDREA B. CURRIER	37.30
6090-37-4425	ANDREW W. REGAN, TRUSTEE	90.37
7000-49-5604	ANN SHERIDAN & EDWARD B. MACMAHON, JR.	50.00
6979-45-2599	BELVOIR FARM INC	73.59
6979-84-5592	BELVOIR FARM INC	760.52
6091-23-6234	BOWIE, CALVERT S. BOWIE & ALEX P. ORFINGER	20.73
7011-19-4566	BURDICK FAMILY LIMITED PARTNERSHIP	26.02
7001-22-3369	CATHERINE P. MACK	50.61
6999-55-0602	CHARLES G. MACKALL	469.00
6080-22-9328	CHARLES T. MATHESON	50.01
6988-49-0381	CHARLES T. MATHESON, TEE	70.75
6090-48-4961	CHRISTOPHER F. & LILLA OHRSTROM	62.27
6090-59-7406	COOSAW CORPORATION	29.99
6091-72-4704	COOSAW CORPORATION	69.42
6080-42-3533	DAVID S. & JENNIFER D. ALDRICH	25.00
6081-61-9661	DLF FAMILY LTD PTNRSH	142.73
6091-02-7836	DLF FAMILY LTD PTNRSH	262.91
7000-48-7965	DOUGLAS H. MCCORKINDALE	50.00
7000-48-0118	EDWARD B. & ANN S. MACMAHON	50.10
7001-23-0697	EDWARD B. & ANN S. MACMAHON	268.46
7001-30-8294	EDWARD B. & ANN S. MACMAHON	50.08
7001-31-7231	EDWARD B. & ANN S. MACMAHON	50.00
6977-99-2598	ELAINE W. CRAGGS	9.11
6977-99-2807	ELAINE W. CRAGGS	9.35
6978-90-1229	ELAINE W. CRAGGS	9.53
6090-46-9169	ELIZABETH RANDOLPH COX	63.04
6091-92-2171	EUGENE B. & CAROLYN K. RUSSELL	27.80
7001-02-4623	EUGENE B. & CAROLYN K. RUSSELL	43.48
6080-30-5281	FELIMON & ANITA TELLEX AND MICHAEL W. WARDEN	48.24
6989-38-8636	FLORENCE ADAMS	63.05
7909-30-3255	FRANK & KATHLEEN H. KRIVICICH	25.00

6988-20-6383	GEORGE F. COLWELL, TEE	50.55
6080-34-4792	GEORGE L. JR & JACQUELINE OHRSTROM	15.71
6080-45-6646	GEORGE L. JR & JACQUELINE OHRSTROM	100.00
6080-54-4548	GEORGE L. JR & JACQUELINE OHRSTROM	63.63
6080-98-5132	GEORGE L. OHRSTROM, TRUSTEE	44.25
6090-26-2840	GEORGE L. OHRSTROM, TRUSTEE	10.00
6090-32-8659	GEORGE L. OHRSTROM, TRUSTEE	248.32
6091-74-9264	HALFWAY FARM LLC	44.49
6091-85-1363	HALFWAY FARM LLC	61.43
6080-07-4780	HELEN POTTS BOWMAN	83.47
6999-82-5213	HELOISE DOUGHTY HERBERT, TRUSTEE	399.55
6989-69-5435	HENRY CHALFANT WHEELWRIGHT, TRUSTEE	79.55
6989-91-1502	HENRY LEWIS RUST	93.19
7011-09-5696	JAMES E. RICH, JR.	25.75
6091-52-3485	JOHN R JR. & MARY S. TWISS	11.76
6091-60-0966	JOHN R JR. & MARY S. TWISS	76.10
6080-41-2272	JOSEPH III & PATRICIA M. RICHARDS	50.00
7907-99-4628	KAREE L. MILLER	53.04
7908-80-8670	KAREE L. MILLER	15.10
6989-89-2068	KEFFER, JEFFREY M. & ELIZABETH B.	32.48
6091-90-6346	KENNETH E., JR. & EMILY P. RISTAU	70.25
7000-57-7970	KENNETH W. & LORRAINE M. COMPHER	36.50
7000-67-5539	KENNETH W. & LORRAINE M. COMPHER	44.00
7000-69-2363	KENNETH W. & LORRAINE M. COMPHER	21.25
6090-79-5825	KRISTIANE C. GRAHAM, TEE	10.00
6091-80-3984	LAKESWOOD LLC	31.80
6080-75-9776	LAUGHLIN ET AL TRUSTEES	99.18
7909-06-6602	LAVINIA M. CURRIER	230.95
6091-74-1411	LUNSFORD RICHARDSON, JR. TRUSTEE	34.00
7908-81-5632	MARK F. MILLER	61.83
6080-11-4094	MARY ELIZABETH BENHARD	50.00
6080-21-6195	MARY ELIZABETH BENHARD	52.68
7001-47-8129	MILDRED FLETCHER SLATER, TRUSTEE	179.42
7001-64-0140	MILDRED FLETCHER SLATER, TRUSTEE	288.02
7001-71-6083	MILDRED FLETCHER SLATER, TRUSTEE	201.09
6080-90-0339	N F ADAMS & SONS LLC	214.30
6989-65-0953	N F ADAMS & SONS LLC	272.38
6989-67-1017	N F ADAMS & SONS LLC	226.55
7001-26-6560	NANCY R. MANIERRE	103.14
7011-08-2816	PAUL E. MACMAHON	46.61
6091-31-7951	PAUL R. & EVE D. FOUT	30.20
6091-33-6448	PAUL R. & EVE D. FOUT	28.92
6090-89-3729	PETER D. & LINDA D. RICH	21.06
6090-89-4240	PETER D. & LINDA D. RICH	11.98
6987-49-9226	PIN OAK FARM LLC	200.73
7001-99-1604	PRIVILEGE INC	62.66
7001-37-1857	REDMOND L. & ELIZABETH R. MANIERRE	32.67
6989-61-9283	RICHARD BLAND LEE RUST	86.80
7000-77-2792	ROBERT J. NORTON, JR.	49.02
6988-27-8257	ROBERTA RUST JEFFRIES	87.00
7908-58-6967	ROLAND FARMS INC	88.82
7909-13-4845	ROLAND FARMS INC	403.12

7909-33-3278	ROLAND FARMS INC	55.96
7909-46-4026	ROLAND FARMS INC	376.50
7000-40-9954	ROLAND FARMS INC	19.32
7908-19-0247	SAM T. ADAMS, JR.	112.00
6999-52-3683	THE PLAINS REDEVELOPMENT CORP	31.85
6090-04-5969	VISTAN CORPORATION	36.04
6080-37-9998	WHITEWOOD FARM L P	377.71
6080-63-2723	WHITEWOOD FARM L P	84.69
6080-78-5448	WHITEWOOD FARM L P	251.67
6090-06-9560	WHITEWOOD FARM L P	445.16
6090-09-7280	WHITEWOOD FARM L P	154.49
7011-18-0213	WILLIAM E. & SALLY Z. BURDICK	38.28
6988-24-0322	WILLIAM F. RUST, III	28.00
6988-25-1542	WILLIAM F. RUST, III	32.00

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
  - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
  - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the District.

6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the District.
7. On June 30, 2012 the District shall expire.

**A RESOLUTION TO APPROVE A CATEGORY 20 SPECIAL EXCEPTION SE03-S-26 FOR THE NORTHERN SPORTS FIELD COMPLEX WATER STORAGE TANK**

Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO APPROVE A CATEGORY 20 SPECIAL EXCEPTION SE03-S-26 FOR THE NORTHERN SPORTS FIELD COMPLEX WATER STORAGE TANK**

WHEREAS, the Fauquier County Board of Supervisors authorized the acceptance of a \$10 million conditional distribution from the Paul Mellon Estate for the construction of the Northern Sports Field Complex and Community Park; and

WHEREAS, the construction of a water storage facility is integral to the development of the Sports Complex; and

WHEREAS, the construction of this facility requires the approval of a Special Exception; and

WHEREAS, on May 29, 2003, the Fauquier County Planning Commission conducted a public hearing on SE03-S-26; and

WHEREAS, the Planning Commission has determined that the proposed facility is in accord with the Comprehensive Plan pursuant to Section 15.2-2232 of the Code of Virginia; and

WHEREAS, the Planning Commission voted unanimously to forward a recommendation of conditioned approval to the Fauquier County Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of January 2005, That SE03-S-26 be, and is hereby, approved subject to the following conditions:

1. The wetlands shall not be disturbed without permits from the U.S. Army Corps of Engineers.
2. The wetland areas shall be fenced or otherwise protected during construction of the water tank.



3. The foundation of the proposed above ground storage facility shall be designed and constructed to overcome soils with high shrink-swell potential and a high water table.
4. The water storage facility shall be a silo design and shall have a physical appearance that will blend with the surrounding area and complement the proposed buildings and uses on the site.
5. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
6. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
7. The development of the property shall be in general conformance with the Special Exception Plat entitled "Special Exception Plan: Fauquier County Northern Sports Complex" dated November 22, 2004 and the plan titled "Elevation of Proposed Water Tank and Maintenance Facility" dated December 20, 2004.
8. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
9. Prior to issuance of any occupancy permit, the applicant shall furnish evidence of Health Department or other required agency approval for the storage tank.
10. The operation, maintenance and testing of the water system shall meet all local, state and federal requirements.
11. The maximum water storage tank height shall be twenty-one (21) feet with a diameter of eighteen (18) feet.
12. The maximum storage capacity will be 23,000 gallons.

**A RESOLUTION TO ABANDON A PORTION OF OLD TAVERN ROAD (ROUTE 245)  
IN FAUQUIER COUNTY**

Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

A RESOLUTION TO ABANDON A PORTION OF OLD TAVERN ROAD  
(ROUTE 245) IN FAUQUIER COUNTY

WHEREAS, the Fauquier County Board of Supervisors has received a request to abandon a portion of Old Tavern Road (Route 245) along a parcel of land now owned by Ronda L. Cheatham, identified as PIN 6978-86-8792-000; and

WHEREAS, on February 2, 1983, Arlen W. and Donna B. Ingman, the property owners at that time, granted the Fauquier County Board of Supervisors a 55-foot land dedication measured from the centerline of the existing travel way of Route 245; and

WHEREAS, Old Tavern Road is identified as a Rural Minor Arterial in the Fauquier County Comprehensive Plan; and

WHEREAS, the County's Comprehensive Plan design policies indicate that right-of-way width for a Rural Minor Arterial should range from 80 to 160 feet; and

WHEREAS, the stated portion of road is shown on the graphic identified as Portion of Route 245 to be Abandoned; and

WHEREAS, public notice was posted as prescribed under §33.1-156 *et seq.*, Code of Virginia, concerning abandoning the section of road described herein; and

WHEREAS, after considering all evidence available, the Fauquier County Board of Supervisors is satisfied that no public necessity exists for the continuance of the fifteen (15') feet of right-of-way immediately adjacent to PIN 6978-86-8792-000 for that section of Route 245, a distance of approximately 217 feet, and hereby deems that section of road is no longer necessary; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of January 2005, That the Board of Supervisors does hereby abandon the above-described fifteen feet of road right-of-way along the frontage of PIN 6978-86-8792-000, pursuant to § 33.1-156 *et seq.*, Code of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute any Quitclaim Deeds or other documents necessary to transfer any title or interest the Fauquier County Board of Supervisors may have acquired in the portion of the street which was abandoned; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors does hereby transfer the remaining forty (40') feet of right-of-way from the centerline of Route 245 to the Virginia Department of Transportation; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

**A RESOLUTION TO AUTHORIZE THE PURCHASE OF LAND OWNED BY JOSEPH AND SHERIE GREGORY, ALSO DESCRIBED AS PARCEL IDENTIFICATION #6888-01-4277**

Mr. Stribling moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO AUTHORIZE THE PURCHASE OF LAND OWNED BY JOSEPH AND SHERIE GREGORY, ALSO DESCRIBED AS PARCEL IDENTIFICATION #6888-01-4277**

WHEREAS, Joseph and Sherie Gregory have offered to sell a parcel of land described as Parcel Identification #6888-01-4277 that adjoins a property to be conveyed to Fauquier County for parks and recreation purposes, at a purchase price of \$169,900; and

WHEREAS, the County desires to purchase the property for parks and recreation and access purposes; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of January 2005, That the Acting County Administrator and the Acting County Attorney be, and are hereby, authorized to execute all documents and take all necessary steps to acquire the property at the offered price, subject to such contingencies as are deemed appropriate to the Acting County Administrator and County Attorney, including an acceptable survey and Phase 1 environmental audit; and, be it

RESOLVED FURTHER, That the applicable budget code for the purchase shall be 4-100-091400-9999.

**APPOINTMENTS**

There were no appointments made.

**SUPERVISORS' TIME**

No one spoke.

## **ANNOUNCEMENTS**

Mr. McCulla announced that, on February 3, 2005, the Board of Supervisors will be attending the Virginia Municipal League Legislative Day in Richmond, Virginia, to meet with State legislators.

### **A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 6-102, 6-105, 15-300, AND 2-512 TO ALLOW LIVESTOCK ON PARCELS SMALLER THAN 2 ACRES IN RA, RC, RR-2, V, AND R-1 DISTRICTS, TO ESTABLISH SET BACKS FOR ANIMAL ENCLOSURES, AND TO ELIMINATE THE DEFINITION OF COMMONLY ACCEPTED PETS**

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to amend Sections 6-102, 6-105, 15-300, and 2-512 to allow livestock on parcels smaller than 2 acres in Rural Agricultural (RA), Rural Conservation (RC), Rural Residential (RR-2), Village (V), and Residential-1 (R-1) Districts, to establish setbacks for animal enclosures, and to eliminate the definition of commonly accepted pets. Terry Brown, Scott District; Jordan Canon, Scott District; Lance Canon, Scott District; Mel Canon, Scott District; Suzanne Ashby, Humane Investigator for Fauquier County; Harvey Usury, Marshall District; Mrs. Usury, Marshall District; and Scott Keithly, Scott District, spoke in favor of the proposed text amendment. Mr. Williams, Cedar Run District, spoke in opposition to the proposed text amendment. No one else spoke. Mr. Downey moved to hold the public hearing open for 30 days and to postpone a decision on the matter until the next regular meeting on February 10, 2005. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

### **A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-308.4 TO ELIMINATE DENSITY CREDIT FOR FLOODPLAIN**

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to Section 2-308.4 in order to allow no residential density allowance calculated on that area of a lot, in zoning districts other than RA and RC, comprised of floodplain, quarries or existing water bodies. At present, fifty percent credit is given. Density calculations in the rural districts (RA and RC) would not change and would continue to have full density credit for land in floodplain. Jim Downey, Esquire; and Jim Hall, Scott District, representing the Northern Virginia Building Industry Association, spoke in opposition to the proposed text amendment. David deGive, Marshall District; Kitty Smith, Marshall District; Chuck Medvitz, Scott District; Larry Kavolik, Center District; Jim Van Luven, Lee District; and Ines Huber, Lee District, spoke in favor of the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution to refer the proposed text amendment to the Planning

Commission for additional review. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

## RESOLUTION

### A RESOLUTION TO REFER PROPOSED AMENDMENT TO SECTION 2-308.4 TO ELIMINATE DENSITY CREDIT FOR FLOODPLAIN TO THE FAUQUIER COUNTY PLANNING COMMISSION FOR ADDITIONAL REVIEW

WHEREAS, on December 8, 2004, the Planning Commission held a public hearing on the issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on January 13, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, consistent with Virginia Code § 15.2-2282, the Board finds it necessary and appropriate to revise the method for calculation of floodplain density credit in residential districts, and that further study of the specific method for revising the calculation is appropriate; and

WHEREAS, the public necessity, convenience, and general welfare and good zoning practice warrant the consideration of the proposed amendment, and that adoption of a text amendment changing the calculation for floodplain density credit in residential districts would be in the spirit of the Zoning Ordinance, consistent with good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13<sup>th</sup> day of January 2005, That the proposed amendments to Section 2-308.4 of the Fauquier County Zoning Ordinance be, and are hereby, referred to the Planning Commission for further study and recommendation regarding the change.

With no further business, the meeting was adjourned at 7:57 P.M. to reconvene on February 3, 2005.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on January 13, 2005.*

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*Paul S. McCulla*  
*Clerk to the Board of Supervisors*